SINGLE BENCH (3)

C.S.1001

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P. NO. 5084 /2005

PETITIONER : Purna Chand Sahu
Aged about 31 years
S/o. Jeevardhan Sahu
R/o. Vill. & Post Lukapara,
Block Baramkela, District
Raigarh (C.G.)

P.R. No. 5184/05
Presented by Shri Abhijeet
dated 4/10/05

VERSUS

RESPONDENTS :

1. The State of Chhattisgarh
Through : Secretary
Department of Panchayat
D.K.S. Bhawan, Mantralaya
Raipur (C.G.)

2. The Director,
Panchayat, Mantralaya
Raipur (C.G.)

3. The Collector
District –Raigarh (C.G.)

4. Prescribed Authority and
Deputy Director,
Panchayat Avam Samaj
Kalyan, District Raigarh
(C.G.)

5. Sub-Divisional Officer (R)
Sarangarh, District Raigarh
(C.G.)

6. Chief Executive Officer
Janpad Panchayat,
Baramkela, District Raigarh
(C.G.)

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4/10/05
CLERK to A. G. BILASPUR

30/9/05

(2) (4)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(31)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 5084 सन् 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21.10.2005

Shri R. Pradhan, counsel for the petitioner.

Shri Vivek Sharma, Panel Lawyer for the State on advance copy.

Heard.

The petitioner has filed this writ petition challenging the legality and validity of the impugned order dated 19.9.2005 (Annexure-P/1) and 28.9.2005 (Annexure-P/2). By order dated 19.9.2005, the powers under Section 69 (1) of the Panchayat Raj Adhiniyam, 1993 have been withdrawn. The order dated 28.9.2005 is an interim order passed by the Director Panchayat in appeal case No. 150/A-89/2004-05.

Learned counsel for the petitioner submits that against the impugned order Annexure-P/1 dated 19.9.2005, the petitioner had preferred an appeal before the appellate authority and by order dated 28.9.2005, the application for grant of interim stay has been dismissed by the appellate authority.

I have heard the learned counsel for the petitioner as well as State at length.

In the opinion of this Court, when a statutory appeal is pending before the appellate authority against the impugned order dated 19.9.2005 (Annexure-P/1), it would not be proper to interfere with this order at this stage. So far as order dated 28.9.2005 is concerned, it is an interim order of refusal of stay by the appellate authority, it is not justified to interfere with interim

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Vatti	order passed by the appellate authority, I am not inclined to interfere with this order also passed by the appellate authority. The petition has no merits. It is dismissed at the motion stage. However, it is expected that the appellate authority would try to dispose of the aforesaid appeal at the earliest so that the dispute between the parties may come to an end. With aforesaid observations, the petition stands finally disposed of. **Sd/-** **Sunil Kumar Sinha** **Judge**	